

Indiana Department of Education

Division of Special Education

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1791.01
COMPLAINT INVESTIGATOR:	Jane Taylor-Holmes
DATE OF COMPLAINT:	August 22, 2001
DATE OF REPORT:	September 17, 2001
REQUEST FOR RECONSIDERATION:	yes
DATE OF CLOSURE:	November 19, 2001

COMPLAINT ISSUES:

Whether the Bartholomew Consolidated School Corporation and the Bartholomew Special Services Cooperative violated:

511 IAC 7-26-2(d) with regard to the school's alleged failure to ensure that professional and paraprofessional staff working with a student with autism spectrum disorder have received specialized inservice training in the disability area.

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement an *individualized education program* (the "*IEP*") as written, specifically:
failing to provide one hour of "inclusion" service daily in the general education classroom; and
failing to provide the student with access to the special education resource room for part of each instructional day.

511 IAC 7-27-2(d) with regard to the school's alleged failure to include in the notice of case conference committee meeting the name and title or position of expected case conference committee participants for the May 8, 2001, case conference committee meeting.

511 IAC 7-27-6(a)(2) with regard to the school's alleged failure to ensure that the annual goals and short-term objectives included in the student's *IEP* are measurable.

511 IAC 7-27-5(a)(4) with regard to the school's alleged failure to include a copy of the student's *IEP* when providing the parent with the written report of the case conference committee.

FINDINGS OF FACT:

1. The student (the "Student") is eight years old and in the third grade at the School. The Student is eligible for special education and related services as a student with autism spectrum disorder.
2. The Director reported that "ongoing meetings regarding this child are held with the general education teacher, special education teacher and other professionals involved. The focus of these meetings and consultations is to review the progress of the child and discuss strategies and interventions that are useful for this particular child." The Director further reported that "the school psychologist has met with the staff involved with this child and provided insight into the child and offered developmental and instruction information related to autism and specifically to this child."

3. The Director submitted outlines of training opportunities in the area of autism spectrum disorder in which the teacher of record, the general education teacher, the autism coordinator, the low incidence coordinator, the School psychologist, the speech therapist, and the physical education teacher have participated from as early as 1989 to 2001. An additional document includes a list of literature distributed to professional and paraprofessional personnel at the School during the month of August 2001, regarding autism spectrum disorder.
4. A document (the "Document") entitled *Individual Education Program (IEP) and Summary Report* dated April 25, 2000, states that the Student was to receive inclusion one hour daily in the general education classroom. The Document lists two placements for the Student in the least restrictive environment. One of the Student's placements is listed as general education full day with services from a special education teacher, consultant, or related services person part of the day. The Document also lists the Student's placement as general education most of the day, special education resource part of the day. The initiation and duration of services dates are listed as August 14, 2000, to May 31, 2001. The Student's current *IEP* dated May 8, 2001, indicates the Student's placement as the general education classroom with special education and related services provided during the instructional day for one hour, four days per week, for language arts. Page nine, number 9 on the current *IEP* also has "resource room for speech" indicated as a least restrictive placement option. Page ten, number 17 indicates that the Student is to receive speech services in the "speech room."
5. The School provided no documentation regarding the amount of inclusion time or the amount of resource services provided to the Student during the 2000-01 instructional year.
6. The first *Case Conference/Annual Case Review Notification Letter* (the "Notification") dated April 26, 2001, lists the following individuals as expected participants: case conference coordinator; general education teacher(s); special education teacher(s); parent/guardian; and speech/language therapist. The second Notification dated May 3, 2001, lists the following individuals as expected participants: case conference coordinator; general education teacher(s); special education teacher(s); parent/guardian; and speech/language therapist. The *Individualized Education Program (IEP) and Case Conference Committee Summary Report* dated May 8, 2001, lists three additional participants not found on either Notification as having attended the case conference committee meeting. One of the additional participants was the Advocate; however the remaining two participants were School representatives.
7. Pages six and seven of the Student's current *IEP* (May 8, 2001), list the annual goals and short term objectives for the 2001-02 instructional year. Each goal and objective has identified criteria and an evaluation procedure for measuring progress. Page six also indicates that the Student's progress toward achieving the goals will be reported to the Complainant at each grading period.
8. The Document dated April 25, 2000, was submitted by the Director as the Student's *IEP* for the 2000-01 instructional year. Page three, number 10 on the Document states "Goals and Objectives." The following statement is printed under "Goals and Objectives." "At this time the case conference committee should write goals and objectives to meet the needs of the student. This should be done on an attached goals and objectives page(s)." There was no attachment that included measurable annual goals and benchmarks or short-term objectives. Review of the remaining documentation submitted by the Director subsequently revealed a copy of a form entitled *IEP Goals and Objectives/Progress Report* dated April 25, 2000. This page lists annual goals and short-term objectives, and indicates that progress of such was to have been every grading period.

9. The copy of the Document submitted by the Complainant that the Complainant received from the School was identified as the Student's *IEP*; however, there were no measurable annual goals and benchmarks or short-term objectives attached. The Complainant received a copy of the Student's annual goals and short-term objectives and a progress report of such on or about October 25, 2000, January 10, 2001, and March 2001.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that professional personnel working with the Student have participated in ongoing training opportunities in the area of autism spectrum disorder. However, Finding of Fact #3 indicates that paraprofessionals working with the Student have only just received literature pertaining to autism spectrum disorder in August 2001. A violation of 511 IAC 7-26-2(d) has occurred.
2. Finding of Fact #4 indicates that Document entitled as the *Individualized Education Program (IEP) and Summary Report* lists two placements for the Student for the 2000-01 instructional year. The Student was to receive one hour of daily inclusion services in the general education classroom. The Document also indicates that the Student was to receive special education resource part of the day. Finding of Fact #5 indicates that the School could not document the amount of inclusion time or resource provided to the Student. A violation of 511 IAC 7-27-7(a) occurred.
3. Finding of Fact #6 indicates that both of the Notifications of the Student's May 8, 2001, CCC meeting did not include the names of two School representatives who attended the CCC meeting. A violation of 511 IAC 7-27-2(d) occurred.
4. Finding of Fact #7 indicates that the Student's current *IEP* contains annual goals and short-term objectives that are measurable. No violation of 511 IAC 7-27-6(a)(2) occurred.
5. Findings of Fact #8 and #9 indicate that the Complainant did not receive a copy of the Student's *IEP* for the 2000-01 instructional year. A violation of 511 IAC 7-27-5(a) occurred.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Bartholomew Consolidated School Corporation and the Bartholomew Special Services Cooperative shall:

1. conduct an inservice training on autism spectrum disorder for all paraprofessionals at the School who work with the Student. An inservice training agenda, any materials disseminated, and a sign-in list of the attendees shall be submitted to the Division no later than October 19, 2001.
2. convene the Student's CCC meeting to discuss compensatory services and to determine the Student's placement in the least restrictive environment. A copy of the revised *IEP* indicating that

compensatory services were discussed, and that a placement option was determined for the Student shall be submitted to the Division no later than October 19, 2001.

3. notify, in writing, all professional school personnel of the requirement to include in the notice of CCC meeting all expected CCC participants. A copy of the notification disseminated to all personnel, along with a sign-in sheet of all personnel who received a copy of the notification, shall be submitted to the Division no later than October 19, 2001.
4. submit a statement assuring that all parents shall receive a copy of student *IEPs* when providing parents the written report of the CCC meeting. A copy of the assurance statement shall be submitted to the Division no later than October 19, 2001.

DATE REPORT COMPLETED: September 17, 2001